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COMMISSION ON HUMAN RIGHTS
Forty-fourth session
Item 18 of the provisional agenda

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

Written statement submitted by Fraternité Notre Dame, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[24 February 1998]

GE.98-10857 (E)

Elimination of all forms of intolerance and of discrimination based on religion or belief

1. While every individual has a right to open up fully and play a role in society, any religious idea must be acknowledged without any taking sides, and must be considered in a spirit of tolerance. Fraternité Notre Dame puts a special emphasis on the right of any person of any religion to practise freely his cult and perform his religious activities without being hindered, as long as those practices do not infringe on society in a negative fashion.

2. Fraternité Notre Dame too often experienced for itself pressures, or even threats and ill-treatment on the part of religious authorities noticeably different from its own, and which, being superior both in number and power, have used discrimination against Fraternité Notre Dame, to the point of wanting to make it disappear. This quite out of place and severe discrimination and intolerance originated in the fear to be exposed to competition in a way, on the ground of faith, and to be supplanted by a new religious congregation. Religious minorities, however, do not constitute a danger, especially when they are moved, like it has always been the case with Fraternité Notre Dame, by a spirit of peace and reconciliation, compassion and mutual comprehension.

3. That is why, we state here that the right to practise one's own religion cannot be denied to people, and that this right apply to individuals as much as groups and religious communities. Fraternité Notre Dame appeals to the Declaration on Human Rights so that any discrimination based on religion or religious belief be brought to an end.

4. In a particular society, spirituality and religious belief are essential factors which allow individuals to open up. Though it is invisible, religious feeling is one of the motors that raises a society above itself, takes it out of the materialism into which it quite often sinks, and fills it with hope and a reason in life, when poverty and misery squeeze it from all sides.

5. We assert this right of any person, even belonging to a religious minority, to express himself freely in peace, for the greatest benefit of every society.

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COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Item 20 of the provisional agenda

RIGHTS OF THE CHILD

Written statement submitted by Fraternité Notre Dame, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[24 February 1998]

GE.98-10860 (E)

Protection of Children

1. On this 50th Anniversary of the Declaration of Human Rights, everyone must remember his duty to protect whomever is weaker, and not to oppress what is fragile.

2. By his very definition, a child is a weak being deprived of any defence, gifted with a delicate sensitivity and shaping his mind after the images and shapes of his environment. If he receives joy and love, he will bear within himself the seeds of peace and harmony which will give him, when an adult, his balance in life and in his thoughts and which will contribute to establish an equitable and stable society.

3. A child is a mirror to our societies. Our ambitions, our avowed or concealed desires, our never-quenched pursuit of progress are reflected in his innocent eyes and make them bright or dull, in an indelible fashion. Our societies bring him life or death, hope or distress. Our world of adults is responsible for his future, which will be after the image that we have given him, either his being will open up or be debased.

4. A child has a right of his own, which is the one to grow and develop in a safe and sound environment, bringing him a minimum to live on and a moral education sufficient to make of him a full-sized being.

5. Now, how can we hear without great fear such words as "sales of children", or "prostitution and pornography involving children" ... Odious words which should never be uttered or even imagined in a human mind.

At the end of this millennium, the suffering of these ill-treated children raises up from everywhere and is a shame for humanity. It sheds light on the terrible debasement of which certain individuals are capable, and underlines the silence of witnesses, which makes the moral and physical disarray of these victims turn as red as blood, and they are forever marked into their innermost beings.

6. Fraternité Notre Dame takes a special care of childhood, for it considers the latter as being the harvest of tomorrow. Fraternité Notre Dame's members serve especially those who are most weak, abandoned newborn babies, and young orphans.

7. Unfortunately, Fraternité Notre Dame has noticed that orphans in less developed countries, street children and wandering children are the ones who are the first prey for these unavowable practices. Thus, their lot is aggravated with an additional burden of injustice.

8. Therefore, as preventive measures, it is essential to develop education centres accessible to all, houses to welcome parentless children, and facilities that strengthen family units, especially in developing countries.

Fighting poverty and children's poverty is a high priority. Our childhood in this twentieth century is being abandoned, scoffed at and betrayed. We think that measures at a worldwide level are required to put an end to such practices.

9. Fraternité Notre Dame is filled with zeal to succour first age, which is also the age of innocence. If every child is being guarded by a barrier of affection and decency, the tide of these shameful practices will slow down by itself. A child exposed to begging in the street is a child exposed to selling his life, wasting his health and discarding his education, and finally, he will tramp his honour and dignity underfoot. Restoring a meaning to a bruised child's life is giving him back the right to speak, the right to be listened to, the right to apprenticeship and progress, work and social integration.

10. Fraternité Notre Dame makes sure to offer every destitute child who is entrusted to its care, a gain in self-confidence, an education, a bit of hope for the future ... and a smile for tomorrow's society.

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COMMISSION ON HUMAN RIGHTS
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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[26 February 1998]

Situation of human rights in China

1. The International Federation of Human Rights (FIDH) and its partner organization Human Rights in China (HRIC) are extremely concerned about continuing systematic violations of human rights in the People's Republic of China. Authorities continue to impose tight restrictions on sensitive media reporting, on free expression more generally and on freedom of association and assembly. FIDH and HRIC believe that such limitations on fundamental rights contribute to growing social instability and hinder China's social and economic development. They deprive those who are excluded from the benefits of economic growth of the means to protect their basic right to subsistence. They also contradict provisions of the International Covenant on Economic, Social and Cultural Rights, which China signed in 1997. FIDH and HRIC believe that increasing respect for freedom of expression, association and assembly could help improve social order by creating better channels for the articulation of grievances and interests, in particular in the economic and social arena.

2. In defending China's human rights practices, the authorities of the People's Republic of China argue that they give priority to economic development rather than to civil and political rights. However the 1986 Declaration on the Right to Development clearly states that the enjoyment of certain human rights and fundamental freedoms cannot justify the denial of other human rights and fundamental freedoms. And no evidence has ever been presented as to how gross violations of human rights such as political and religious intolerance, arbitrary detention, or torture could possibly contribute to economic development. FIDH and HRIC strongly believe that such violations actually worsen social stability, as evidenced in the many reports of social unrest that have reached both organizations in 1997.

3. The rapid economic reforms and the official decision to close loss-making State firms have intensified problems such as unemployment, inadequate welfare provisions and corruption, leading to social disruption nationwide. In one such incident among many others, large-scale demonstrations broke out from mid-June to early July in Mianyang City (Sichuan Province), as several thousand laid-off workers appealed to the Government. They demanded payment of the welfare benefits to which they were legally entitled after their State-run textile factories had declared bankruptcy, but which they had not received because officials had reportedly embezzled the funds earmarked to pay them. In response, the People's Armed Police suppressed the protests and apprehended a number of demonstrators, while local authorities imposed a curfew and published an editorial in the local newspaper the Mianyang Daily, accusing hostile foreign and domestic forces, including the "Free Trade Union of China" and the "Liberal Democratic Party", of "stirring up" the protests. Sichuan dissident Li Bifeng, who reported the news of the protests in Mianyang and in other cities, is now on the run from the police. In this incident, as in others, workers were merely trying to protect their economic rights, including their right to an "adequate standard of living". Because they were prevented from exercising their rights to freedom of expression, asociation and assembly, and owing to the limitations imposed on freedom of the press, they had no option but to resort to street protests to push their demands.

4. Since the economic reforms began, social organizations have increasingly played a vital role in filling the gaps in areas where the Chinese State is no longer able or willing to cope with social needs and demands, especially as the State proceeds to dismantle the social safety net that used to protect urban China's residents. For example, local branches of the All-China Federation of Trade Unions have increasingly taken on welfare functions. Certain initiatives by social groups reflect the aspirations of Chinese people for autonomy as well as their growing engagement in social endeavours. Yet the Chinese authorities allow virtually no space for independent, public advocacy on social, political, environmental, economic and religious issues. Even humanitarian efforts have been blocked. For example, the provision of humanitarian relief to the families of political prisoners and those killed in the 1989 Beijing Massacre have been labelled part of a "conspiracy to subvert the Government". No organization may technically operate without being formally registered. Such registration requires prior approval from a "sponsoring unit" that must be a government or Party department. The Party-State continues to view social groups as a "transmission belt" for its policies rather than as autonomous social actors that can monitor Government or represent vulnerable sectors of society.

5. In particular, the Chinese authorities fail to observe article 8 of the ICESCR which sets forth the "right of everyone to form trade unions and join the trade union of his choice". In practice, efforts at establishing independent trade unions, outside the official All-China Federation of Trade Unions (designated as a sole legal representative of Chinese workers to which all labour organizations must be affiliated), have often led to Government reprisals. Hundreds of individuals are currently serving prison terms or administrative sentences under "Re-education Through Labour" for attempting to organize labour-related associations. For example, shortly after it had applied for official registration in 1994, the League for the Protection of the Rights of the Working People (LPRWP) was banned and its key members arrested. This organization aimed to address the plight of workers in all sectors and called for the establishment of legal safeguards for workers' rights, as well as for the right to set up independent organizations. Zhou Guoqiang, a founding member of the League, was accused of "collaborating with hostile organizations and elements both inside and outside the country to carry out anti-government activities", and he was sentenced to three years of Re-education Through Labour, an administrative penalty which was judged "inherently arbitrary" by the Working Group on Arbitrary Detention in 1993. It was imposed by the police without any recourse to judicial process.

6. In 1997 in their petitions Chinese dissidents echoed the demands of millions of impoverished workers, peasants and retirees. Their efforts to raise such concerns have been met by repression. In a letter to President Jiang Zemin, Anhui dissidents Shen Liangqing and Zhang Lin called for the release of the workers detained in the Mianyang protests, an investigation into the event, improvements to the welfare system and measures to fight official corruption. Zhang Lin, who was released last June from three years of "Re-education Through Labour", is currently in exile, while Shen Liangqing, a former public prosecutor, spent a month and a half in detention without being arrested nor tried. Liu Nianchun, also a founding member of the LPRWP, spent one year in incommunicado detention and was then

sentenced to three years of Re-education Through Labour following his leading role in the 1995 petition campaign. One of the key petitions of that year advocated greater tolerance for those who hold different opinions, and called for a reassessment of the "counter-revolutionary" verdict on the 1989 pro-democracy movement. When Liu Nianchun protested after his sentence was extended in June 1997 on the grounds that he had failed to "reform himself", camp authorities beat him up and put him into solitary confinement. Liu Nianchun's health deteriorated as a result of beatings, poor detention conditions and lack of medical care. A long-time advocate for democracy and human rights, Liu Nianchun began expressing his views publicly during the Democracy Wall movement of the late 1970s.

7. The authorities frequently justify restrictions on the rights to freedom of expression, association and assembly in the name of protecting "State security". Yet the term "State security", and what constitutes harm to it, is left virtually undefined in the relevant laws and regulations. Although the Constitution prescribes that the citizens of the People's Republic of China enjoy the rights to freedom of expression, association and assembly, in practice, the law allows for extensive restrictions. In the past, the primary instrument used to suppress these rights was the section of the Criminal Code dealing with "counter-revolution". While revisions to the Criminal Code enacted in 1997 replaced crimes of "counter-revolution" with those of "endangering State security", officials stated clearly that this change was merely one of terminology and thus the new legal provisions are just as vague and expansive as the old ones. Another law affecting these three fundamental freedoms is the 1992 State Security Law, the Implementation Regulations of which prohibit people from "endangering" State security under the "pretext" of establishing social groups, among other things.

8. Among examples of how the concept of "State security" is used as a legal basis to curb the rights to freedom of expression and association is the case of former student leader Wang Dan, who was found guilty of "plotting to overthrow the Government" and sentenced to 11 years' imprisonment in a 1995 trial. Among those serving the longest prison terms in China today are labour and democracy activists who were sentenced for "counter-revolutionary" crimes: Hu Shigen (20 years), Kang Yuchun (17 years) and Liu Jingsheng (15 years). They and their colleagues, who came to be known as the "Beijing Fifteen" were the largest group of labour and democracy activists to be tried since the prosecution of those involved in the 1989 demonstrations. The "crimes" of the Beijing Fifteen included trying to set up various organizations, such as the "Free Labour Union of China" and the "Liberal Democratic Party".

9. FIDH and HRIC welcome the release of China's best-known dissident, Wei Jingsheng, who has spent a total of 19 years behind bars since his involvement in the Democracy Wall movement. However FIDH and HRIC strongly protest against the fact that Wei Jingsheng was forced into exile as a condition for his release from prison. Sending one more dissident into exile does not represent an improvement in China's human rights situation. Hundreds of other Chinese citizens who have done nothing more than exercise their fundamental rights to freedom of expression, association and assembly have been forced to flee repression abroad. FIDH and HRIC strongly believe that

Wei Jingsheng and all those who advocate dissenting opinions should be free to speak in their own country. They urge the Government of China to allow all Chinese citizens living in forced exile to return to China.

10. The Vienna Declaration sets forth that "All human rights are universal, indivisible and interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing." FIDH and HRIC urge the Chinese Government to ratify both the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and to implement in practice the provisions of these two instruments. FIDH and HRIC call on the Government of China to release immediately and unconditionally all prisoners of conscience and to allow all Chinese citizens to fully enjoy their rights to freedom of speech, assembly and association.

11. Finally, FIDH and HRIC recommend that the members of the Commission enact a resolution on the human rights situation in China which addresses concerns including those listed above and requests that the Secretary-General of the United Nations draft a report on the human rights situation in China, to be presented at the next session of the Commission on Human Rights.